

REMARKS

Claims 1-3 and 6-7 remain in the application. New Claims 11 and 12 have been added. Support for the amendment may be found in FIGS. 1 and 3 and paragraphs 19 and 32. Applicant asserts that no new matter has been added. Reconsideration of the Application is hereby requested

Claim Rejections

Rejections Under 35 U.S.C. § 103

Rejection of Claims 1, 3, 6 and 7:

Claims 1, 3, 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pless et al. (6,597,954) in view of Cosgrove Jr. et al. (4,533,346). Applicant believes that the amendment to Claims 1 and 6 places these claims, and all claims depending therefrom, in condition for allowance. The amendment adds the limitations of the receiver and receives neural signals from the transponder and the computer that takes an action that controls an external environment based on the receipt of the neural signal. For example, the action could include controlling movement of a cursor to enable communication with a patient who is otherwise incapable of communicating due to a neural disorder.

None of the cited references show control of an external environment as a result of a neural signal. Specifically, Pless et al. discloses a system for generating a neural electrical stimulation feedback signal in response to a neural condition, such as epilepsy. While the system disclosed in Pless et al. includes an electrode used to detect a neural episode (such as a seizure), it does not detect an intentional signal from the patient that could be used to control a computer. Cosgrove Jr. et al. discloses a system for automatic feedback in the controlled administration of drugs. While the system of Cosgrove Jr. et al. controls the amount of a drug administered to a

patient as a result of measured neural activity, Cosgrove Jr. et al. does not disclose a device that allows the patient to cause an intentional change in the external environment.

Therefore, it is believed that this rejection has been overcome with respect to Claims 1 and 6, and Applicant respectfully requests that Claims 1 and 6, and all of the claims depending therefrom, be allowed.

Rejection of Claims 2 and 8:

Claims 2 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pless et al. (6,597,954) in view of Cosgrove Jr. et al. (4,533,346), further in view of Fischell et al. (6,647,296). Applicant believes that it has distinguished Pless et al. and Cosgrove Jr. et al. from amended Claims 1 and 6. Also, Fischell et al. discloses a feedback system used to treat neural diseases. It includes a sensor of a neurological event and electrodes that can apply neural stimulation upon occurrence of a neurological event. It does not detect an intentional signal from the patient that could be used to effect intentional control of a computer.

Applicant believes the combination of these references, alone or in combination, neither teach nor suggest the inventions claimed in Claims 2 and 8. Therefore, Applicant respectfully requests that these claims be allowed.

Allowability of New Claims 11 and 12

Applicant believes that the new claims are allowable, as none of the cited references teach or suggest the addition of controlling a cursor on a computer monitor, as recited in these claims. This aspect of the invention solves a long-felt unsolved need and offers utility in that it allows patients with locked-in syndrome (*i.e.*, patients who have little or no ability to control any voluntary muscles) to communicate with others. By controlling a computer cursor, they are able not only to transmit messages on a screen, but are also able to control devices that are connected

to a computer. For example, if one interfaced a computer to a light or a fan, the invention would allow the patient to turn on the fan or light by asserting neural impulses to move the cursor on the computer screen to an icon representing the fan or light, respectively. Clearly, there are many other possible applications that will be enabled by this feature.

CONCLUSION

Applicant believes that the rejections have been overcome for the reasons recited above. Therefore, Applicant respectfully requests that all remaining claims be allowed and that a timely Notice of Allowance be issued.

No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees which may be required, including any necessary extensions of time, which are hereby requested, to Deposit Account No. 503535.

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Date



Bryan W. Bockhop

Registration No. 39,613

Customer Number: 25854

Bockhop & Associates, LLC
2375 Mossy Branch Dr.
Snellville, GA 30078

Tel. 678-919-1075
Fax 678- 749-7314
E-Mail: bwb@bockpatent.com